

Ex D

Bergen, Norway
23 May 2005

U.S. Patent and Trademark Office
Customer Service Window
The Randolph Building
401 Dulany Street
1st Floor
Alexandria, VA 22314
USA



Our ref.: P17136USPC
Christian D. Abel

ATTENTION PCT LEGAL STAFF 2005

Your ref.:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application serial no.: National Stage of PCT/NO02/00236
Inventor: Hans-Jacob Fromreid and Tomm Slater
For: AIR CLEANING DEVICE I
Group No.:
Examiner:
Attorney docket no.: 115852

PETITION FOR REVIVAL OF AN APPLICATION ABANDONED UNINTENTIONALLY UNDER 37CFR 1.137(b)

Sir:

Please find enclosed a PETITION FOR REVIVAL of the above referenced National Stage filing.

Applicant originally filed a Transmittal form PTO-1390 on December 18, 2003 in the present application, as well as a Transmittal form PTO-1390 in a companion case, PCT/NO02/00237, on the same date.

Because of lack of funds in the undersigned's deposit account, the basic National Fee was not charged in companion case PCT/NO02/00237 (US application serial number 10/495, 769), and the case was abandoned. In the companion case, the application filed a petition to withdraw the holding of abandonment, arguing that funds were in fact available on the date of filing the Transmittal form PTO-1390, but that funds were, due to a delay in replenishing the deposit account, not available for a one week period of time, approximately one year later, and that it was coincidentally during this brief period that the USPTO attempted to charge the fees. Applicant believed that abandonment was not appropriate since the delay in charging the

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ATTENTION PCT LEGAL STAFF

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application serial no.: National Stage of PCT/NO02/00236
Inventor: Hans-Jacob Fromreid and Tomm Slater
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**PETITION FOR REVIVAL OF AN APPLICATION ABANDONED
UNINTENTIONALLY UNDER 37CFR 1.137(b)**

Sir:

I Please find enclosed a PETITION FOR REVIVAL of the above referenced National Stage filing.

Applicant originally filed a Transmittal form PTO-1390 on December 18, 2003 in the present application, as well as a Transmittal form PTO-1390 in a companion case, PCT/NO02/00237, on the same date.

Because of lack of funds in the undersigned's deposit account, the basic National Fee was not charged in companion case PCT/NO02/00237 (US application serial number 10/495, 769), and the case was abandoned. In the companion case, the application filed a petition to withdraw the holding of abandonment, arguing that funds were in fact available on the date of filing the Transmittal form PTO-1390, but that funds were, due to a delay in replenishing the deposit account, not available for a one week period of time, approximately one year later, and that it was coincidentally during this brief period that the USPTO attempted to charge the fees. Applicant believed that abandonment was not appropriate since the delay in charging the

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deposit account was partly responsible for the abandonment, in as much as funds were available at all times except for this one brief period of time.

This petition was subsequently DENIED, and applicant has filed a PETITION in the companion case for revival for unintentional abandonment.

Upon review of the current application, it is believed that the same error with the deposit account has resulted in the abandonment of the current application, although applicant has never received a notice of abandonment in the present case. The case, however, does not appear in the PAIR database, and the National Fee for the present case has likewise never been deducted from the deposit account.

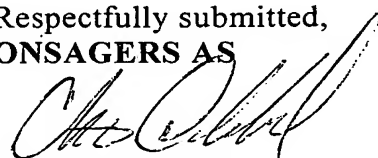
Applicant is therefore filing the current PETITION. Enclosed herewith is a PETITION form PTO/SB/64, as well as the following documents:

- Transmittal form PTO-1390 originally filed on December 18, 2003, together with date-stamped receipt from OIPE
- Declaration and Power of attorney originally filed on 17 February, 2004, together with Certificate of Facsimile transmission, statement under 37 CFR 1.8, and receipt from the fax machine from which the documents were transmitted
- IDS originally filed on 17 March 2004
- Second IDS originally filed on 25 August 2004
- Copy of a REQUEST FOR STATUS REPORT filed 1 April 2004

Also enclosed, to the extent such is deemed necessary, is a NEW Transmittal form PTO-1390 reflecting the new National Filing Fees.

Please charge the appropriate PETITION FEE, the appropriate National Filing Fee, and any and all necessary fees during the pendency of this application to deposit account 501898.

Respectfully submitted,
ONSAGERS AS



Christian D. Abel
Reg no. 43,455
Cust. No. 29078

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number
(Optional)

115852

First Named Inventor: Hans-Jacob FromreidInternational (PCT) Application No.: PCT/NO02/00736U.S. Application No.:
(if known)Filed: December 18, 2003Title: Air cleaning Device IAttention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of
Payment of the National Fee (identify type of reply):

☐ has been filed previously on _____

☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

23 May 2005

Date

Christian D. Abel

Typed or Printed Name

43,455

Registration Number, if applicable

Pb 6963 St. Olavs plass

Address

Telephone Number

0130 Oslo, Norway

Address

Enclosures: ☐ Response☒ Fee Payment☐ Terminal Disclaimer☒ Other (please identify):

- True copy of Transmitted form PTO-1390 originally filed 12/18/2003
- Declaration and Power of attorney originally filed 17 Feb. 2004
- IDS originally filed 25 August 2004
- Request for Status Report filed 1 April 2004
- NEW Transmitted form PTO-1390

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application serial no.: National Stage of PCT/NO02/00236

Inventor: Hans-Jacob Fromreid and Tomm Slater

For: AIR CLEANING DEVICE I

Group No.:

Examiner:

Attorney docket no.: 115852

RENEWED PETITION FOR REVIVAL OF AN APPLICATION ABANDONED UNINTENTIONALLY UNDER 37CFR 1.137(b)

This is a renewal of the petition filed 23 May 2005, no response to which has been received from the PTO. A copy of the previous petition and accompanying documents are enclosed herewith. As stated therein:

1. Transmittal form PTO-1390 was filed on 18 December 2003. A copy of the date stamped filing receipt is enclosed in the documents accompanying the original petition.
2. The National fee has never been deducted from the undersigned's deposit account, and the application has never been registered in the PAIR database. No US application number has ever been received.
3. The applicant filed a request for status on 1 April 2004 that was never responded to by the Office.

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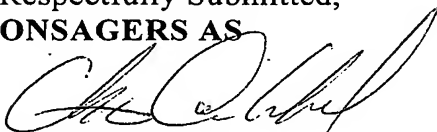
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4. Declarations and an Information Disclosure statement have also been filed in this application, but no confirmation has ever been received that these documents have been received by the PTO. .
5. While it is not certain, it is believed that the following error has occurred in this case. This assumption is based upon the following events that occurred in the applicant's companion case (PCT/NO02/00237, US ser. No. 10/495,769) filed on the same date:
 - a. Transmittal form PTO-1390 was filed on 18 December 2003. The National fee was authorized to be charged to the undersigned's deposit account. On that date, there were sufficient funds to cover the fee.
 - b. For unknown reasons, there was a delay in the processing of the application at the USPTO. The USPTO did not attempt to charge the deposit account until approximately one year after the filing of PTO-1390.
 - c. The deposit account had always contained sufficient funds to cover the National fee, except for a one week period approximately one year after the original filing, the deficiency being caused by a wire transfer delay. It was, in an unfortunate coincidence, precisely during this one week period that the USPTO eventually attempted to charge the deposit account.
 - d. The companion case was therefore abandoned for failure to pay the National Fee, but subsequently revived on a petition under 37 CFR 1.137(b).
6. It is believed that a similar error has occurred in the present case, although no Notice of Abandonment has ever been received.
7. The applicant therefore renews this PETITION for revival for unintentional abandonment, and requests that a US application number be assigned.

Please charge the PETITION FEE, the NATIONAL FEE, any and all necessary fees during the pendency of this application to deposit account 501898.

Respectfully Submitted,
ONSAGERS AS



Christian D. Abel

Reg no: 43,455

Cust. No. 29078


**Certification of Facsimile Transmission
and statement under 37 CFR 1.8(b)(3)**

I hereby certify that the above-identified papers are being facsimile transmitted to the Patent and Trademark Office at

(571) 273-0459 on the date shown below:

Date: 17 November 2006

I further hereby attest that I have personal knowledge that the papers have been transmitted on this date.



Christian D. Abel 43, 455

*** OVERFØRINGSRAPPORT ***

Avsender D:

Nummer: +47 55302700

Dato: 17-11-06 10:58

Dato/Tid	17-11 10:52
Oppringt nummer	8015712730459
Mottaker	5712730459
Tid	6' 16"
Mode	STD.
Sider	31
Status	OK

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Application serial no.: National Stage of PCT/NO02/00236
Inventor: Hans-Jacob Fromreid and Tomm Slater
For: AIR CLEANING DEVICE I
Group No.:
Examiner:
Attorney docket no.: 115852

**RENEWED PETITION FOR REVIVAL OF AN APPLICATION ABANDONED
UNINTENTIONALLY UNDER 37CFR 1.137(b)**

This is a renewal of the petition filed 23 May 2005, no response to which has been received from the PTO. A copy of the previous petition and accompanying documents are enclosed herewith. As stated therein:

1. Transmittal form PTO-1390 was filed on 18 December 2003. A copy of the date stamped filing receipt is enclosed in the documents accompanying the original petition.
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3. The applicant filed a request for status on 1 April 2004 that was never responded to by the Office.

INDUSTRIELT RETTSVERN INTELLECTUAL PROPERTY PROTECTION

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 115852
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/NO 02/00236	INTERNATIONAL FILING DATE 27 June 2002	PRIORITY DATE CLAIMED 28 June 2001
TITLE OF INVENTION Air Cleaning Device I		
APPLICANT(S) FOR DO/EO/US Haus - Jacob Frommeide and Tom Slater		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none">1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.4. <input type="checkbox"/> The US has been elected (Article 31).5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<ol style="list-style-type: none">a. <input type="checkbox"/> is attached hereto.b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).b. <input type="checkbox"/> have been communicated by the International Bureau.c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.d. <input checked="" type="checkbox"/> have not been made and will not be made.8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none">11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.13. <input type="checkbox"/> A preliminary amendment.14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.15. <input type="checkbox"/> A substitute specification.16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).20. <input type="checkbox"/> Other items or information:		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. <u>PCT/NO02/00236</u>		ATTORNEY'S DOCKET NUMBER <u>115852</u>	
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee..... \$300				\$	<u>300</u>
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations..... \$200				\$	<u>200</u>
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500				\$	<u>500</u>
TOTAL OF 21, 22 and 23 =				\$	<u>1000</u>
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$	<u>130</u>
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	<u>9</u> - 20 =		x \$ 50	\$	
Independent claims	<u>1</u> - 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	<u>360</u>
TOTAL OF ABOVE CALCULATIONS =				\$	<u>1490</u>
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					<u>(745)</u>
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$	<u>745</u>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				\$	
TOTAL FEES ENCLOSED =				\$	<u>745</u>
				Amount to be refunded:	\$
				Amount to be charged:	\$

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 501898 in the amount of \$ 745 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 501898. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Christian D. Abel cost No. 29078
Onsagers AS
Pb 6963 St. Olavs Plaz
0130 Oslo, Norway

SIGNATURE

NAME

REGISTRATION NUMBER

*** OVERFÖRINGSRAPPORT ***

Avsender D:

Nummer: +47 55302700

Dato: 17-11-06 10:59

Dato/Tid	17-11 10:59
Oppringt nummer	0015712730459
Mottaker	5712730459
Tid	0' 16"
Mode	STD.
Sider	1
Status	OK

PTO-1350 (REV. 03-2005)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) **PCT/NO63/00236** INTERNATIONAL APPLICATION NO. **PCT/NO63/00236** ATTORNEY'S DOCKET NUMBER **115852**

The following fees have been submitted:

21. <input checked="" type="checkbox"/> Basic national fee	22. <input checked="" type="checkbox"/> Examination fee	23. <input checked="" type="checkbox"/> Search fee	24. <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets	25. <input type="checkbox"/> Additional fee for claims	26. <input type="checkbox"/> Additional fee for claims	27. <input type="checkbox"/> Additional fee for claims	28. <input type="checkbox"/> Additional fee for claims	29. <input type="checkbox"/> Additional fee for claims	30. <input type="checkbox"/> Additional fee for claims	31. <input type="checkbox"/> Additional fee for claims	32. <input type="checkbox"/> Additional fee for claims	33. <input type="checkbox"/> Additional fee for claims	34. <input type="checkbox"/> Additional fee for claims	35. <input type="checkbox"/> Additional fee for claims	36. <input type="checkbox"/> Additional fee for claims	37. <input type="checkbox"/> Additional fee for claims	38. <input type="checkbox"/> Additional fee for claims	39. <input type="checkbox"/> Additional fee for claims	40. <input type="checkbox"/> Additional fee for claims	41. <input type="checkbox"/> Additional fee for claims	42. <input type="checkbox"/> Additional fee for claims	43. <input type="checkbox"/> Additional fee for claims	44. <input type="checkbox"/> Additional fee for claims	45. <input type="checkbox"/> Additional fee for claims	46. <input type="checkbox"/> Additional fee for claims	47. <input type="checkbox"/> Additional fee for claims	48. <input type="checkbox"/> Additional fee for claims	49. <input type="checkbox"/> Additional fee for claims	50. <input type="checkbox"/> Additional fee for claims
\$300	\$200	\$500	\$1000	\$130	\$360	\$1490	\$745	\$745																					

TOTAL OF ABOVE CALCULATIONS = \$ 745

Subtotal = \$ 745

TOTAL NATIONAL FEE = \$ 745

TOTAL FEES ENCLOSED = \$ 745

Amount to be refunded: \$

Amount to be charged: \$

☐ A check in the amount of \$ to cover the above fees is enclosed.

☒ Please charge my Deposit Account No. **501898** in the amount of \$ **745** to cover the above fees. A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **501898**. A duplicate copy of this sheet is enclosed.

☐ Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2035.

NOTE: Where an appropriate time limit under 37 CFR 1.436 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Christian D. Abel / cust. No. 29078

Onsagers AS

Pb 6983 St. Olavs Plaza

0130 Oslo, Norway

Christian D. Abel

43,455

REGISTRATION NUMBER

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